

# **Testimony of Olivia Golden**

**“Promoting the Best Interests of Children: Proposals to Establish a Family Court in  
the District of Columbia Superior Court”**

**Before the U.S. Senate Subcommittee on Oversight of Government Management,  
Restructuring and the District of Columbia**

**October 25, 2001**

Good afternoon, Chairman Durbin and other members of the Subcommittee on Oversight of Government Management, Restructuring and the District of Columbia. My name is Olivia Golden, and I am the recently appointed Director of the Child and Family Services Agency (CFSA) of the District of Columbia. I assumed this position on June 16, 2001, after the close of more than six years of Federal court receivership. I am most appreciative of this opportunity to testify on behalf of Mayor Williams on an issue of great importance to the future of the District's children. On a personal note, in my past position as Assistant Secretary at HHS, I had the opportunity to work closely with Senators Landrieu and DeWine on behalf of the Adoption and Safe Families Act, and I very much appreciate the opportunity to build upon that work today by testifying on legislation that will support the same goals for children here in the District.

I would like to commend the Subcommittee for your commitment both to moving this important legislation and to working closely with the District as you do so. I also wish to recognize the Superior Court's dedication to improving and strengthening the administration of the court. I want to express special appreciation to Judge King, Judge Satterfield, and Judge Walton for the time they have dedicated to regular planning with us at CFSA to ensure that the whole child welfare system works as effectively as possible on behalf of children.

The Mayor strongly supports the proposals under discussion today at this hearing (H.R. 2657 and S. 1382), because they represent major steps forward toward his key goals of safety, permanent homes, and well being for the District's most vulnerable children. We believe that it is essential to enact this legislation now, in order to synchronize reform across the major parts of the child welfare system and to take advantage of the extraordinary opportunity created by the return of CFSA from receivership. Enacting court reform now would coincide with the major changes we are making in CFSA's structure and capacity and parallel changes in other city agencies, including the Office of Corporation Counsel. Delay in enacting this important legislation would risk stalling reform and failing to seize this moment of opportunity for the District's children.

In addition, the Mayor believes that full funding for the Court's and the District's implementation of the legislation is critical to reaping the benefits of reform. To help children by moving cases more quickly, the Court needs sufficient staff, space and technical support. The District's critical responsibilities under the legislation include: on-site agency staff liaisons and information technology improvements that will integrate systems across agencies.

Finally, I would like to highlight the Mayor's strong support for key provisions of the House bill that ensure that all family law cases will truly be handled by the Family Court. To ensure that the Family Court benefits children as it is intended, by assigning cases to a core group of well-supported and specially trained judges, we believe that it is extremely important that cases pending at the time of enactment are promptly transferred to the Family Court and that judges who leave the family court do not take cases with them, except in the most narrowly defined circumstances set out in the House bill.

The remainder of this testimony lays out more fully the operation of the child welfare system as a whole, the reasons the Family Court proposals would strengthen the effectiveness of that system on behalf of children, and our specific comments on key elements of the proposals. We look forward to working with the Subcommittee on Oversight of Government Management, Restructuring and the District of Columbia and the Chief Judge to complete this significant reform process.

### **Child Welfare in the District of Columbia**

CFSA is responsible for addressing child abuse and neglect in the District of Columbia, including ensuring children's safety, enabling children to grow up in permanent families, and promoting the well being of the most vulnerable children and

most fragile families. It came into existence as a Cabinet-level agency on June 16, 2001, at the close of the Federal court receivership, and its enabling legislation, enacted in April 2001, represents landmark reform in the District's ability to serve children in a unified and accountable manner. Key features of the legislation include the creation for the first time ever in the District of a unified system for abused and neglected children, effective just two weeks ago on October 1, 2001; independent personnel and procurement authority; the creation of a new licensing and monitoring role to ensure quality in foster and group homes; and the centralization of responsibility for interstate placements, which had previously been fragmented. It is because of this reform legislation and the other key elements of reform described below that we believe so strongly that this is the moment to enact Family Court legislation. Now is the opportunity to synchronize reform of all the interrelated systems that serve abused and neglected children.

Before going on to a fuller account of how the systems fit together, let me begin by giving you a sense of scale, of the sheer number of children being served. (These data are from calendar year 2000, prior to CFSA assuming responsibility for abuse cases and therefore, probably represent a lower level of need and services than we will see in 2001 and future years.) In 2000, the CFSA Hotline received over 7,000 calls, of which more than 4,000 represented reports of abuse or neglect and the remainder were requests for information and referral or other types of calls. During the course

of the year, about 4,500 children spent time in a paid foster care or kinship placement and almost 1,200 children received services in their own homes, and more than 300 children were adopted in 2000.

In serving each of these several thousand children, CFSA connects closely with multiple public and private agencies whose functions are inextricably intertwined. The Superior Court is an integral part of this system, hearing evidence from social workers, families, and others at each stage of the child welfare process. The Court makes the initial determination regarding abuse or neglect, conducts the review hearings that occur during the pendancy of the case, adjudicates adoption proceedings, and renders the ultimate decision about whether to return a child to the home. The volume of court activity is very great: more than 1,400 hearings were scheduled in September 2001 and more than 1,500 in October, most of them case review hearings.

As the Subcommittee's invitation letter indicates, this complex system of services in the District has a long history of failing to deliver successful outcomes for children. In the past, children's safety has too often been at risk, and children have waited too long in foster care before going home or moving to a permanent family. We have an extraordinary opportunity today in the District to dramatically change this history, by strengthening all elements of the system together. We have this opportunity because

of the work of Mayor Williams and the City Council to address a wide range of critical systemic deficits within the Child and Family Services Agency and the Office of Corporation Counsel that have impeded the performance of the child welfare system in the past. For example:

- Under the Mayor's auspices, we were able to work cooperatively with the stakeholders in the child welfare class action, to successfully transition out of Federal court receivership. Pursuant to a negotiated court order, Mayor Williams regained both operating and fiscal control over CFSA on June 16, 2001.
- Because of the commitment of the Mayor and the Council and with the support of the Congress, CFSA's budget increased by more than \$30 million from FY2000 to FY2001. This budget increase, which represents a dramatic departure from the agency's history, is intended to make possible certain critical steps to support children, such as hiring sufficient social workers to reduce caseloads and investing in key supports for families.
- The District is currently implementing a major commitment to expansion and reform of the legal support provided to CFSA social workers by the Office of Corporation Counsel. We have more than doubled the number of attorneys hired to represent CSFA social workers, through resource commitments by both CFSA and OCC. We have restructured the legal support and are in the process of co-locating so that attorneys and social workers will be able to work more closely together on behalf of children.
- As indicated already, CFSA's enabling legislation, enacted in April of this year, established the post-receivership CFSA as a Cabinet-level agency with independent personnel, procurement and licensing authority. This legislation also required the unification of the child abuse and neglect systems, which we accomplished on schedule on October 1, 2001. While there is much more to do to institutionalize this major transition, it is an important accomplishment to have ended a fractured service delivery model identified by the American Humane Society, among other recent reviewers, as a barrier in providing effective services to families.

- As part of the consent decree that ended the Receivership, the District has promulgated both foster and group home regulations after a broad public process. These regulations will make it possible at last to establish, support, and enforce high standards of quality for all the settings where our children live.

Without Family Court reform, we risk sharply reducing the impact of these reforms.

With Family Court reform, we will be able to create the maximum impact by implementing the Agency reforms in a way that is coordinated and timed with reform of the rest of the system – and, in particular, in conjunction with the critical court reforms proposed in this legislation. For this reason, we urge the Subcommittee to continue your commitment to prompt enactment of the Family Court legislation.

### **How the Proposed Legislation Would Improve Outcomes for Children**

From our experience working with the Court on behalf of abused and neglected children, two aspects of the proposed legislation stand out as key. First, every single one of the Mayor's reforms will be most effective for children if implemented in conjunction with a core group of 12-15 highly trained and well-supported judges, as in the proposed legislation, rather than with the full 59 sitting judges plus additional senior judges who now handle abuse and neglect cases. Under the proposed legislation, CFSA and the Office of Corporation Counsel will be able to work closely with the Family Court judges to address policy and scheduling issues of mutual

concern, to develop approaches to reporting that meet judges' needs, to design appropriate joint training, and – at the most basic but also the most critical level - to ensure that attorneys and social workers provide timely and high quality reports that support excellent judicial decision-making. By contrast, under today's system, the dispersal of some 1500 neglect hearings each month among 59 sitting judges and additional senior judges places enormous demands on both CFSA and OCC staff. It also has substantial operational and budget implications for both agencies.

Thus, we would like to emphasize the importance of the provisions in both bills that provide a core group of dedicated and appropriately credentialed judicial officers who will serve multi-year terms in the Family Court assignment, that require the prompt transfer of pending cases into the Family Court, and that limit the transfer of cases out of the Family Court. Ensuring that children's cases are heard by the core group of Family Court judges promotes child protection as well as the timely movement of cases toward permanency – a goal at the heart of ASFA's mandate.

Second, both legislative proposals envision key resources and supports that are critical to improving the speed and quality of decision-making in abuse and neglect cases.

Among the key examples are implementation of an electronic records, tracking and case management system; alternative dispute resolution models; attorney practice standards; one family/one judge case assignment practices; training requirements;

accessible services and materials; the expedited appointment of Magistrate-Judges to handle backlogged cases, and on-site access to and coordination of social services – all of which add up to ensuring that the Family Court represents a state-of-the art approach to judicial administration.

Thus, we believe that overall, these proposals represent extremely important next steps in reform of the entire child welfare system to support the best interests of children. Both the strategies and the resources envisioned in the proposals will leverage the maximum impact for children through their congruence with key reforms elsewhere in the system; will assist the District in improving outcomes for abused and neglected children; and will support movement to much shorter timelines for handling abuse and neglect cases, thus improving the District's compliance with the Federal Adoption and Safe Families Act (ASFA). Improving timeliness matters a great deal for children – because delays in achieving permanency adversely affect our children who need long-term stability in their lives – as well as for the District, since violations of the ASFA timelines risk compromising the District's ability to maximize Federal revenue. Any appreciable reduction in Federal revenue threatens progress toward the goal of a fully functional and robust child welfare system.

## **Key Elements of the Proposals**

In addition to the Mayor's strong support of prompt enactment, I would also like to convey specific comments on the proposed legislation. We would be glad to provide additional technical comments or assistance in whatever way would be most useful to the Subcommittee.

### **1. Ensuring that child abuse and neglect cases remain within the Family**

**Court.** As noted above, we believe that a key element of successful reform is ensuring that child abuse and neglect cases are concentrated with a core group of well-trained and well-supported judges. Both the House and Senate proposals include provisions intended to ensure that cases are promptly transferred into the Family Court and that when judges leave the Family Court, they do not take cases with them except in limited circumstances. We strongly urge the Subcommittee to defer to the House provision in regard to circumstances where judges can take cases with them, because we believe that it is appropriately limited to the most extraordinary cases: in particular, to "extraordinary circumstances, subject to approval and certification by the presiding judge and based on appropriate documentation in the record, which demonstrate that a case is nearing permanency and that changing judges would both delay that goal and result in a violation of the Adoption and Safe Families Act." We are concerned that the broader exception in

the Senate proposal could lead to continued wider dispersal of cases, making it much more difficult to reap the benefits of reform.

In regard to the initial transfer of cases, we believe that transfer of cases to the Family Court should occur as expeditiously as possible, in order to achieve the benefits of the Family Court as soon as possible. We recognize that practical considerations may prevent all of the transfers from taking place immediately, but we would urge that case reassignment occur as expeditiously as possible.

2. **Supporting reform with sufficient funding.** Resources and staffing are critical to meeting the goals of the reform, both for the Family Court and for the District government. We strongly urge the Subcommittee to fully address the Court's needs for space, staffing, and technology in support of the goals of the legislation. In addition, the Mayor has identified approximately \$6 million, as an additional Federal appropriation required in FY 02, to meet the District's responsibilities under the legislation. Of this amount, \$5 million is required for the extensive information technology planning and assessment required by the bill to support integration across computer systems. The remaining \$1 million supports the FY 02 cost, beyond existing agency budgets for the central liaison and multiple agency on-site representatives required by the bill. We strongly urge the Subcommittee to

support these costs in full, in order to ensure successful implementation of the Family Court.

**3. Effective Date.** We believe that the effective date of the legislation needs to be sooner than the 18 months proposed in the Senate bill, in order to achieve the benefits for children as promptly as possible and to fully synchronize reforms.

**4. Border Agreements.** The Mayor appreciates the language in both bills supporting border agreements among the District, Maryland, and Virginia to ensure that District children can be placed with kin and other appropriate foster families without delay. This metropolitan approach to the well being of our children truly supports our families and our communities in their efforts to care for children.

### **Conclusion**

We strongly support the prompt enactment of this proposed legislation. We believe a strong Family Court is the final piece needed as we strive to improve the District's child welfare system, and it is needed now. This is the moment to seize our unique opportunity to complete the reform of the District's child welfare system, in order to truly make a difference in children's lives. Thank you for your commitment to this important legislation, and we look forward to working with you on its expedited

enactment. I appreciate very much the opportunity to testify, and I look forward to responding to your questions. Thank you.